

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

P. Ahearn
PL-II
29263

FILE: B-215619.3

DATE: September 7, 1984

MATTER OF: Maintenance, Inc.

DIGEST:

GAO will not consider incumbent contractor's protest that agency should have exercised contract option instead of issuing new solicitation where option is renewable at sole discretion of government, since this is a matter of contract administration.

Maintenance, Inc. protests the award of a contract under invitation for bids No. F16602-84-B0020 issued by Barksdale Air Force Base, Louisiana for military family housing maintenance services. Maintenance, the incumbent contractor, protests the agency determination not to exercise an option to extend Maintenance's current contract. The protester argues that authorized government personnel indicated that the option would be exercised.

Where the option provision of a contract is exercisable at the sole discretion of the government, we will not consider the incumbent contractor's contention that the agency should exercise the option. A decision not to exercise the option is a matter of contract administration and not one that will be considered under our Bid Protest Procedures, 4 C.F.R. Part 21 (1984). Sentinel Electronics, Inc., B-212770, Dec. 20, 1983, 84-1 CPD ¶ 5. Maintenance does not contend that the exercise of the option here was not at the government's discretion.

Further, even if Maintenance was orally advised that the option would be exercised, we have frequently held that such oral advice does not bind the government and that parties rely on such advice at their own risk. Inventive Packaging Corporation, B-213439, Nov. 8, 1983, 83-2 CPD ¶ 544; International Waste Industries, B-210500.2, June 13, 1983, 83-1 CPD ¶ 652.

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The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel